

§ 34.47

grant applicant or recipient to come into compliance;

(vi) Indicate that the failure of the grant applicant or recipient to come into compliance within 10 days of the receipt of the Final Determination may result, after opportunity for a hearing, in the termination or denial of the grant, or discontinuation of assistance, as appropriate, or in referral to the Department of Justice with a request to file suit;

(vii) Advise the grant applicant or recipient of the right to request a hearing, and reference the applicable procedures at §34.51; and

(viii) Determine the Governor's liability, if any, in accordance with the provisions of §34.32; or

(2) Refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(3) Take such other action as may be provided by law.

§34.47 Notice of finding of noncompliance.

Where a compliance review or complaint investigation results in a finding of noncompliance, the Director shall so notify: (a) the Departmental granting agency; and (b) the Assistant Attorney General.

§34.48 Notification of Breach of Conciliation Agreement.

(a) Where a Governor is a party to a Conciliation Agreement, the Governor shall immediately notify the Director of a recipient's breach of any such Conciliation Agreement.

(b) When it becomes known to the Director, through the Governor or by other means, that a Conciliation Agreement has been breached, the Director may issue a Notification of Breach of Conciliation Agreement.

(c) A Notification of Breach of Conciliation Agreement issued pursuant to this section shall be directed, as applicable, to the Governor and/or other party(ies) to the Conciliation Agreement.

(d) A Notification of Breach of Conciliation Agreement issued pursuant to paragraph (a) of this section shall:

(1) Specify the efforts made to achieve voluntary compliance and indi-

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cate that those efforts have been unsuccessful;

(2) Identify the specific provisions of the Conciliation Agreement violated;

(3) Determine liability for the violation and the extent of the liability, as appropriate;

(4) Indicate that failure of the violating party to come into compliance within 10 days of the receipt of the Notification of Breach of Conciliation Agreement may result, after opportunity for a hearing, in the termination or denial of the grant, or discontinuation of assistance, as appropriate, or in referral to the Department of Justice with a request from the Department to file suit;

(5) Advise the violating party of the right to request a hearing, and reference the applicable procedures at §34.51(b); and

(6) Include a determination as to the Governor's liability, if any, in accordance with the provisions of §34.32.

(e) Where enforcement action pursuant to a Notification of Breach of Conciliation Agreement is commenced, the Director shall so notify: the Departmental granting agency; and the Governor, recipient or grant applicant, as applicable.

Subpart E—Federal Procedures For Effecting Compliance

§34.50 General.

(a) *Sanctions; judicial enforcement.* If, following issuance of a Final Determination pursuant to §34.46, or a Notification of Breach of Conciliation Agreement pursuant to §34.48, compliance has not been achieved, the Secretary may:

(1) After opportunity for a hearing, suspend, terminate, deny or discontinue the Federal financial assistance under JTPA, in whole or in part;

(2) Refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(3) Take such action as may be provided by law.

(b) *Deferral of new grants.* When termination proceedings under §34.51 have been initiated, the Department may defer action on applications for new financial assistance under JTPA until a